

LANDSCAPE ARCHITECTS SECTION MEETING

MINUTES

The Landscape Architects Section of the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on May 6, 2004, at the Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia, with the following members present:

Vaughn B. Rinner
William H. Spell

Staff present for all or part of the meeting were:

Louise Fontaine Ware, Director
Karen W. O'Neal, Deputy Director of Regulatory Programs
Mark N. Courtney, Executive Director
Trisha L. Henshaw, Administrative Assistant

No representative was present from the Office of the Attorney General.

Ms. Rinner, Chair, called the meeting to order at 9:08 a.m.

Call to Order

Mr. Spell moved to approve the agenda as written. Ms. Rinner seconded the motion which was unanimously approved by members Rinner and Spell.

Approval of Agenda

Public Comment Period – No comments were made to the Section members.

Public Comment

The Section members discussed correspondence that was received regarding confusion among regulants of the Board as to who may prepare a Chesapeake Bay Preservation Act compliance plan. The Section members were provided with the responses agreed to by the Sections and recommended by the APELSCIDLA Board at its March 10, 2004, meeting. At that meeting, the Board requested that each of the Sections review this issue again for discussion at the June 10, 2004, meeting. After discussion, Ms. Rinner moved to recommend to the Board adoption of the following response:

Discussion of Chesapeake Bay Act Compliance Plans

"The APELSCIDLA Board has reviewed your documentation and has determined that work associated with the Chesapeake Bay Preservation Act may involve the practice of engineering, land

surveying, and landscape architecture depending on the exact nature of the work being performed. Further, review of this issue in the past has also revealed that this work may be incidental to other professional work and has determined that architects are competent to perform some of the types of calculations required by the Act. The issue of which professional is authorized to perform such work is dependent on the type of work being performed, applicable statutes, regulations and ordinances, as well as the competency of the individual practitioner.

"As in any activity involving the practices of architecture, engineering, land surveying (pursuant to § 54.1-400 so A and B land surveyors are both competent to perform such work), certified interior design, and landscape architecture, if there is a question about the specific competence of an APELSCIDLA Board regulant, then this issue should be specifically addressed at that time through inquiries and complaints to this Board.

"As to the issue of 'redesigning' by the County officials, we would obviously need to know the specifics of individual instances. It is not unusual for regulatory authorities and agencies to request revisions to plans, specifications, reports, and permit applications. However, generally speaking, the professional who has the responsibility, authority, and accountability must concur with each of these revisions."

Ms. Rinner further moved to recommend that the following be incorporated into the Board's response.

Point out § 54.1-410 of the *Code of Virginia* and indicate that if a regulant of the APELSCIDLA Board is not adhering to the required standards, or does not appear to be competent in work they have undertaken, then a complaint needs to be filed with the Board.

Mr. Spell seconded the motion which was unanimously approved by members Rinner and Spell.

The Section members discussed information provided regarding licensure requirements for professionals who are licensed in other states, but not in Virginia, and serve as expert witnesses in court cases. This information was discussed at the APELSCIDLA Board meeting on March 10, 2004, at which time it was deferred to the Sections to discuss so that a final decision could be made at the June 10, 2004, Board meeting. The Section members

Discussion of
Licensure for
Expert
Witnesses

agreed by consensus to take no action on this item, and they will be ready to discuss this matter at the June 10 meeting.

The Section members were provided with the Letter of Understanding signed by the Council of Landscape Architectural Registration Boards (CLARB) and the Department concerning the administration of the computerized multiple choice sections of the Landscape Architect Registration Examination (LARE). The letter provides the process for approving examination candidates by the Virginia Board prior to being allowed to sit for the computerized portions of the examination administered by CLARB.

Update on
LARE
Administration
Process

The Section members discussed the upcoming elections for Chair and Vice-Chair of the APELSCIDLA Board.

Election of
Officers

Ms. Rinner moved to nominate Mr. Spell as Chair of the Section for the term beginning July 1, 2004, to June 30, 2005. Mr. Spell seconded the motion which was unanimously approved by members Rinner and Spell.

Mr. Courtney discussed the status of the proposed regulations that were adopted at the March Board meeting. Mr. Courtney indicated that a concern has been raised by the Department of Planning and Budget regarding a proposed change to the requirements for certification as a landscape architect. The Section members discussed several possible solutions to resolve this matter, and Mr. Courtney indicated that this topic will be discussed in further detail at the June 10, 2004, Board meeting.

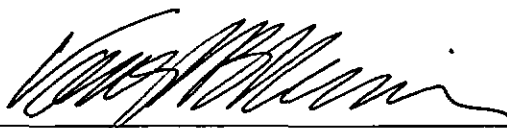
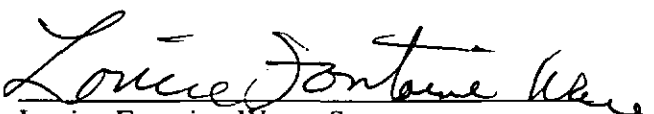
Other Business

Conflict of Interest forms were completed by all members present.

Conflict of
Interest Forms

There being no further business, the meeting was adjourned at 9:56 a.m.

Adjourn


Vaughn B. Rinner, Chair
Louise Fontaine Ware, Secretary

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: William H. Spell
2. Title: Member
3. Agency: APELSCIDLA Board
4. Transaction: Board Meeting on May 6, 2004
5. Nature of Personal Interest Affected by Transaction: none

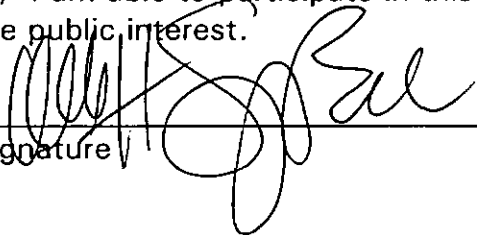
6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Signature

Date



5/6/04

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

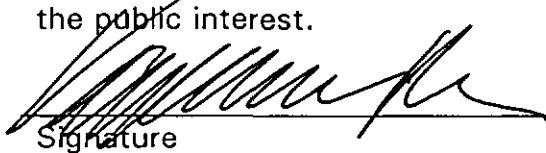
**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Vaughn B. Rinner
2. Title: Member
3. Agency: APELSCIDLA Board
4. Transaction: Board Meeting on May 6, 2004
5. Nature of Personal Interest Affected by Transaction: NONE

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6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.


Signature

5/6/04
Date